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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4850 OF 2007

M/s. Supreme Plastics ... Petitioner

V/s

Shri Lahuraj Baburao Yadav ... Respondent

Mr. N.J.Patil for the petitioner.

Mr. A.D.Shetty with Miss Rita K. Joshi and Ms. Reshma Dalvi for the respondent.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 16TH OCTOBER, 2007.

P.C.:

1. The petition challenges the award of the Labour Court dated 26.2.2007. By this award the Labour Court has directed the petitioner to pay Rs.90,000/- towards the back wages and other legal dues to the respondent workman. The Labour Court has held that the respondent workman would have been entitled to reinstatement. However, since in his deposition the workman had stated that he is not interested in reinstatement, the Labour Court has not granted the relief of reinstatement. While considering the question of back wages, the Labour Court observed that the respondent workman was earning

Rs.50/- to Rs.100/- a day as and when he managed to secure work. He was subsisting on the earnings of his wife who was working as a maidservant and also supplementing the income by doing tailoring work. Although the workman would have been entitled to a higher amount of back wages as he was earning Rs.2,000/- per month with the petitioner, the Labour Court has reduced the amount to Rs.1,25,000/-. The Labour Court has also given credit for the amount of Rs.35,000/- which the workman had received by way of terminal dues and has directed that Rs.90,000/- should be paid to the respondent workman. There is no need to interfere with the order passed by the Labour Court as it is well reasoned. There is no perversity in the findings of the Labour Court.

2. Petition rejected.

3. The amount which is deposited by the petitioner in this Court may be withdrawn by the respondent workman.

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